

REMARKS

In accordance with the foregoing, the specification, FIGs. 4 and 7, and claims 1 and 5 are amended. Claims 1-8 are pending and under consideration. No new matter is presented and, accordingly, approval and entry of the foregoing amended specification, drawings, and claims are respectfully requested.

CLAIM AMENDMENTS

Claim 1 is amended for form.

Claim 5 is amended to recite that a bar code read control method includes "reading a bar code attached to an article, and outputting bar code information corresponding to the read bar code by using a bar code reader . . . (and) . . . checking whether a term of the article has expired based on the term information the checking being performed by the bar code reader." (See, for example, page 8, starting at line 8).

No new matter is presented and, accordingly, approval and entry of amended claims are respectfully requested.

ITEM 5: INVENTIONS COMMONLY OWNED

In regard to the Examiner's item 5 comment, Applicants confirm that the subject matter of the various claims was commonly owned at the time the inventions covered therein were made.

ITEM 1: OBJECTION TO DRAWINGS (FIG. 7)

The Examiner objects to FIG. 7 and suggests a legend such as --Prior Art-- be added. (Action at page 2). FIG. 7 is amended herein as suggested by the Examiner. Applicants request the objection be withdrawn and FIG. 7 approved.

ITEM 2: OBJECTION TO THE DRAWINGS

The Examiner objects to the drawings in that reference numbers --SA16-- and --SA17-- are in FIG. 4 are not mentioned in the description. (Action at page 2). As suggested by the Examiner, the specification is amended herein to include reference numbers --SA16-- and --SA16--. Applicants request the objection be withdrawn and the drawings approved.

ITEM 3: OBJECTION TO DRAWINGS (FIG. 4)

The Examiner objects to FIG. 4 contending that a --No-- option is not shown for SA3. FIG. 4 is amended herein as suggested by the Examiner to replace the SA3 term "Yes" with the term --No--, and the specification is amended so as to be consistent with FIG. 4. Applicants request the objection be withdrawn and the drawings approved.

ITEM 4: REJECTION OF CLAIMS 1, 3, 5, and 7 UNDER 35 U.S.C. §102(e) BY OGASAWARA (U.S.P. 6, 327,576)

As provided in MPEP §706.02 entitled Rejection on Prior Art, anticipation requires that the reference must teach every aspect of a claimed invention. Ogasawara does not support an anticipatory-type rejection by not describing features recited by the present application's independent claims.

According to aspects of the present invention, the bar code reader includes a term expiration check unit that checks whether the term of the article has expired based on the term information. Thus, the bar code reader itself checks the term information without communicating with a host apparatus, thus reducing a load on a host apparatus.

Ogasawara does not teach that a bar code reader includes a term expiration check unit. As taught by Ogasawara (col. 3, lines 28-58), a bar code scanner 12 reads an item's UPC (Universal Product Code) or SKU (Stock Keeping Unit). A store server (platform computer) 14 consults a database 16 that contains information pertaining to the item, including an associated expiration date. A server system fetches information relating to each item and redirects that information to the terminal. The terminal also retrieves expiration date information for each tagged item by accessing item database files or PLU table fields of the information database (col. 5, lines 38 to 42).

Furthermore, Ogasawara teaches (col. 7 lines 12-23) that as new items are received in inventory, each item's bar code or RFID label is scanned or read and the inventory field associated with that particular code is incremented. Expiration dates are also entered into the system's database as new items of merchandise are added to the inventory. Ogasawara teaches communication with a host apparatus in order to get information regardless of an item's expiration date. Thus, there is no reduction in host apparatus load

Bar Code Reader Including Term Expiration Check Unit To Communicate With Host Apparatus Not Taught By Ogasawara

Method Checking Whether Term Has Expired By Bar Code Reader To Communicate With Host Apparatus Not Taught By Ogasawara

Independent claim 1, as amended, recites a bar code reader having an arrangement "to communicate with a host apparatus in a POS system, the bar code reader comprising . . . a term expiration check unit that checks whether the term of the article has expired based on the term information."

Independent claim 5, as amended, recites a bar code read control method applied to a bar code reader having an arrangement to communicate with a host apparatus in a POS system,

including "checking whether a term of the article has expired based on the term information the checking being performed by the bar code reader."

The Examiner contends that Ogasawara teaches:

... a bar code reader and method ... to communicate with a host apparatus ... that comprises ... a term expiration check unit (PLU table fields of database 16 include both expiration date information and freshness period information; in addition, in the home environment, the electronic receipt retrieval and expiration date management is preferably performed by a home terminal unit 24) that checks whether the term of the article has expired based on the term information.

(Action at page 2).

Applicants submit that Ogasawara does not teach a bar code reader that comprises a term expiration check unit with such a bar code reader communicating with a host apparatus. Likewise, Ogasawara does not teach a bar code read control method checking whether a term of the article has expired based on the term information, the checking being performed by the bar code reader with such a bar code reader communicating with a host apparatus.

Rather, Ogasawara teaches instead (col. 3 lines 43-59):

... bar code information scanned from each particular item is transmitted to a store platform computer 14 which might be configured as a network server. ... the server system consults a database 16 ... including expiration date information ... , and redirects that information to the POS terminal 10.

Ogasawara further teaches (col. 5, lines 38-42) that the terminal:

... is able to retrieve expiration date information ... by accessing the appropriate item database files or PLU table fields of the information database 16 for each item.

Applicants submit that such database files are not part of a bar code reader, but as taught by Ogasawara (col. 5, line 35) "hosted by a store server." Likewise Ogasawara only teaches that a home terminal (col. 10, lines 59-60):

obtains the corresponding electronic receipt from the store's web server either by Internet mail or direct web site access.

Bar Code Reader Including Transmission Unit, And Method, Transmitting Bar Code Information To Host Apparatus Upon Determination By Term Expiration Check Unit That Term Expired Not Taught By Ogasawara

Dependent claim 3 recites a bar code reader including a "transmission unit that transmits the bar code information to the host apparatus upon determination by the term expiration check unit that the term of the article has expired." Dependent claim 7 recites a bar code read control method including "transmitting the bar code information to the host apparatus upon determination that the term of the article has expired."

The Examiner contends that these features are taught by Ogasawara in that:

... bar code information scanned from each particular item is transmitted to a store

platform computer 14) (see Figure 1, col. 3).

(Action at page 4).

Applicant submits that Ogasawara does not teach a "transmission unit that transmits the bar code information to the host apparatus upon determination by the term expiration check unit that the term of the article has expired. For example, as taught by Ogasawara (col. 3, lines 42-54):

. . . bar code information scanned from each particular item is transmitted to a store platform computer . . . the server system consults a database 16 which contains all of the requisite information pertaining to any item of merchandise sold by the store, including expiration date information, associated to individual merchandise items through that item's PLU or SKU code read by the bar code scanner 12.

That is, Ogasawara just teaches transmitting bar code information to a server or to a host apparatus. Any determination of term expiration is made at the server and not by a bar code reader.

Conclusion

Since Ogasawara does not describe features recited in independent claims 1 and 5 (both as amended), and respective dependent claims 3 and 7, the rejections should be withdrawn and the claims) allowed.

ITEM 6: REJECTION OF CLAIMS 2 AND 6 FOR OBVIOUSNESS UNDER 35 U.S.C. §103 BY OGASAWARA IN VIEW OF DIMARIA (U.S.P. 6,148,091)

Dependent claim 2 recites a "bar code reader . . . comprising a timer unit that keeps record of present date." Dependent claim 6 recites a bar code reader method including acquiring present date from a timer unit.

The Action concedes that Ogasawara does not teach that a bar code reader has a timer unit that keeps record of the present date. (Action at page 5). Nevertheless, the Examiner rejects claims 2 and 6 and contends that DiMaria teaches "current date, current time . . . is stored in a journal in memory 55." (Action at page 5).

***Prima Facie* Obviousness Not Established**

Bar Code Reader Comprising Timer Unit Not Taught By Cited Art Alone Or In Combination

As provided in MPEP §2143.03 "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F. 2d 1981, (CCPA 1974)."

Applicant submits that even if DiMaria teaches that a current date is stored in a journal in a memory, DiMaria does not teach anywhere, and the Examiner has not cited a reference, teaching that a bar code reader includes a timer unit or that a bar code reader method includes

acquiring current date from a timer unit.

Conclusion

Since *prima facie* obviousness has not been established, the rejection should be withdrawn and claims 2 and 6 allowed.

ITEM 6: REJECTION OF CLAIMS 4 AND 8 FOR OBVIOUSNESS UNDER 35 U.S.C. §103 BY OGASAWARA IN VIEW OF DIMARIA (U.S.P. 6,148,091)

Dependent claim 4 recites a "bar code reader . . . comprising a date setting unit that sets a date of the timer unit using a date setting bar code." Dependent claim 8 recites a bar code reader method including "setting the present date in the timer unit using a date setting bar code."

The Action concedes that Ogasawara fails to teach a date setting unit sets the date of a timer using a bar code. (Action at page 6). Nevertheless, the Examiner rejects claims 4 and 8 indicating that DiMaria teaches that "current date and time information is set." (Action at page 6).

***Prima Facie* Obviousness Not Established**

Bar Code Reader Comprising Date Setting Unit Not Taught By Cited Art Alone Or In Combination

As provided in MPEP §2143.03 "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F. 2d 1981, (CCPA 1974)."

Applicant submits that DiMaria only teaches (col. 4, lines 20-25) that "date, current time is stored in memory 55." DiMaria does not teach anywhere, and the Examiner has not cited a reference, teaching that a bar code reader includes a timer unit.

Conclusion

Since *prima facie* obviousness has not been established, the rejection should be withdrawn and claims 4 and 8 allowed.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: July 8, 2008

By: Paul W. Bobowiec
Paul W. Bobowiec
Registration No. 47,431

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

FIG.4

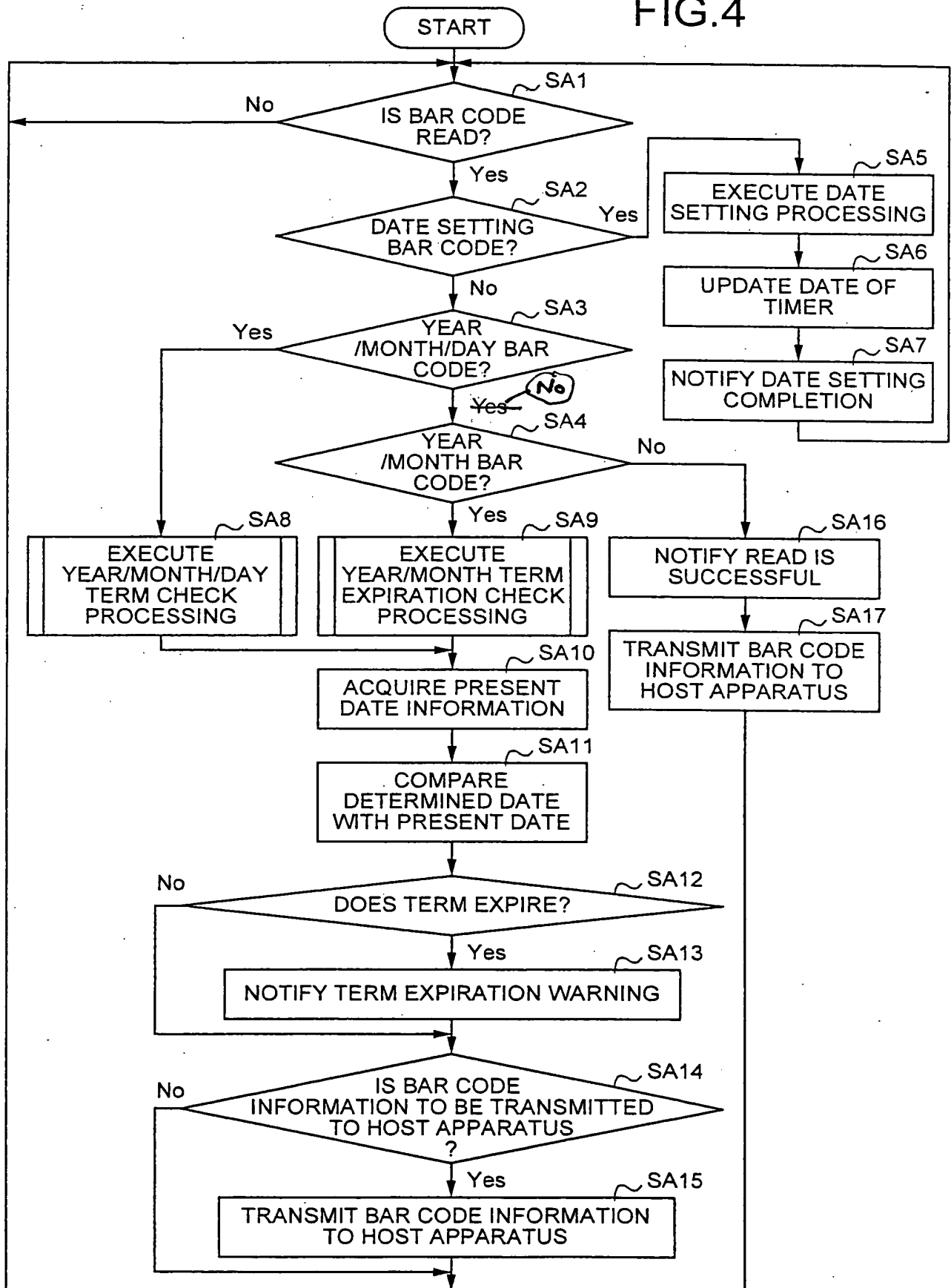


FIG.7 (PRIOR ART)

